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**BY ECF**

Hon. Jennifer L. Rochon, United States District Judge

United States District Court

Southern District of New York

500 Pearl Street

New York, NY 10007

Re: Benjamin Case, et al. v. City of New York, et al., 14-cv-09148 (JLR)(BCM)

Your Honor:

I am co-counsel for Plaintiffs, including Mark Kushnier, the only Plaintiff whose claims remain. By way of background, the Court decided Defendants' summary judgment motion in 2019, *see Case v. City of NY*, 408 F Supp 3d 313 (SDNY 2019), and scheduled trial to begin on October 2, 2023 at 9:00 a.m., with pre-trial submissions due beginning on August 7, 2023 and a final pretrial conference scheduled for September 25, 2023 at 1:00 p.m. The Court has directed the parties to inform the Court by March 1, 2023 whether the parties wish to be referred to a magistrate judge for settlement purposes. (ECF 165). On October 12, 2022, the Court ordered the parties to attend a status conference on November 17, 2022 at 11:00a.m. to discuss the status of the case, pretrial deadlines, and potential settlement. (ECF 171).

Plaintiff now respectfully requests that the Court adjourn the November 17, 2022 status conference to a later date. I represent Gwen Carr, Eric Garner's mother, in two ongoing proceedings against agencies of the City of New York, in which the New York State Supreme Court has scheduled a joint, in-person conference for 11:30am on November 17<sup>th</sup>. Defendants' counsel consents to this request for an adjournment.

The parties also jointly ask that the Court allow the parties to attend the status conference telephonically rather than in person.

Thank you for your attention to this matter.

Respectfully submitted,

/S/

Gideon Orion Oliver